



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

**MEMO ENDORSED**

*86 Chambers Street, 3rd floor  
New York, New York 10007*

December 10, 2014

The Government's request is granted. The declaration of Douglas Hibbard is hereby accepted as timely.

So ordered.  
12/11/14

**VIA ECF and Hand**

The Honorable J. Paul Oetken  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2101  
New York, New York 10007

  
J. PAUL OETKEN  
United States District Judge

Re: *The New York Times v. United States Department  
of Justice, No. 14-cv-3777 (JPO)*

Dear Judge Oetken:

I write respectfully on behalf of the United States Department of Justice (the "government"), the defendant in the above-referenced Freedom of Information Act ("FOIA") matter, to alert the Court to a filing issue that arose in connection with yesterday's filing of the government's motion for summary judgment and opposition to plaintiffs' motion for summary judgment. Yesterday evening, the government timely filed its motion for summary judgment, along with its supporting memorandum of law and the Declaration of John Durham. However, the government received an error message when it attempted to file the supporting Declaration of Douglas Hibbard. We made repeated attempts to file the document, but were unsuccessful. This morning, undersigned counsel called the ECF Help Desk. They helped us resolve the issue, after which we promptly filed the document.

We served plaintiffs with all documents, including the Hibbard Declaration, yesterday evening via email, and alerted them to our inability to electronically file the document. We also informed plaintiffs' counsel that we intended to contact the ECF Help Desk this morning to rectify the issue.

We respectfully request that the Court accept the government's belated filing of the Hibbard Declaration.

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Thank you for your consideration of this matter.

Respectfully,

PREET BHARARA  
United States Attorney

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